

## AFFIDAVIT OF SERVICE THROUGH THE SECRETARY OF STATE

Index # 07CIV7983

Purchased/Filed: September 15, 2007

STATE OF NEW YORK

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT

*Nimkoff Rosenfeld & Schechter, LLP*

Plaintiff

against

*RKO Properties, Ltd., et ano*

Defendant

STATE OF NEW YORK  
COUNTY OF ALBANY

SS.:

Jessica Miller, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on September 18, 2007, at 2:00 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served the annexed Summons in a Civil Action and Complaint

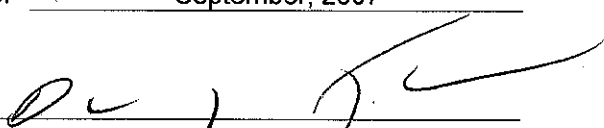
on Fidelity Investments Institutional Services Company, Inc. sha Fidelity Investments, the Defendant in this action, by delivering to and leaving with Amy Lesch, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, 2 true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section 306 Business Corporation Law.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Description of the person served: Approx. Age: 23 Approx. Wt: 160 Approx. Ht: 5'9"  
Color of skin: White Hair color: Blonde Sex: F Other: \_\_\_\_\_

Sworn to before me on this

20th day of September, 2007

  
DONNA M. TIDINGS  
NOTARY PUBLIC, State of New York  
No. 01TI4898570, Qualified in Albany County  
Commission Expires June 15, 2011

  
Jessica Miller

Invoice-Work Order # SP0707777

#61/9-50

State of New York - Department of State  
Receipt for Service

Receipt #: 200709190051

Date of Service: 09/18/2007

Service Company: 35 SERVIC - 35

Cash #: 200709190051

Fee Paid: \$40 - DRAWDOWN

Service was directed to be made pursuant to: SECTION 306 OF THE BUSINESS  
CORPORATION LAW

Party Served: FIDELITY INVESTMENTS INSTITUTIONAL SERVICES COMPAN  
Y, INC.

Plaintiff/Petitioner:  
NIMKOFF ROSENFELD & SCHECHTER, LLP

Service of Process Address:  
C T CORPORATION SYSTEM  
111 EIGHTH AVENUE  
NEW YORK, NY 10011

Secretary of State  
By AMY LESCH